



# State of Rhode Island Department of Administration Office of Library & Information Services

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## **MUNICIPAL MAINTENANCE OF EFFORT REQUIREMENT (RIGL29-6-3(A)(1)) WAIVER PROCEDURE**

### STATUTORY BACKGROUND

Rhode Island General Law 29-6-3(a)(1) requires a municipality to “. . .appropriate from local tax revenues an amount not less than the amount appropriated the previous year from local tax revenues and expended for library operating expenses. . .” in order for its public library or libraries to qualify for state aid. That appropriation must exclude any state funds received for public library services. Furthermore, state funds may not supplant funding from local tax revenues. This is the maintenance of effort requirement (MOE).

### PROCEDURE

The Chief of Library Services will annually determine each municipality's compliance with the MOE by comparing appropriation and expenditure amounts as reported by the library or libraries of that municipality in their annual report to the Office of Library and Information Services. In the event that a municipality is shown in that report to have failed to meet the MOE, the Chief of Library Services will notify the municipality and its libraries that it is not eligible for a state grant in aid.

A municipality so notified that it is unable to comply with the MOE may request a waiver from that requirement by submitting a letter to the Chief of Library Services. The Chief of Library Services will consider the circumstances of the municipality, the request and any documentation that accompanies it and determine on the basis of the supporting documentation whether to grant the waiver. The Chief of Library Services will respond in writing within six weeks of receipt of a waiver request.

### THE WAIVER REQUEST

A request for a waiver from MOE must include a statement of:

- A. The amount of the appropriation that would be required for MOE and evidence that the municipality, through its regular budget process, has appropriated an amount inadequate to meet the requirement.
- B. The impact the reduction will have on library services to the people of the municipality, including an enumeration of those services that will be curtailed.

In addition, the municipality must provide evidence that:

- 1. There exist extenuating circumstances that prevent fully funding the MOE;
- 2. The decrease in funding of library services is comparable to decreases to funding of other municipal services;
- 3. There has been a serious consideration of what percentage of the municipal budget is represented by library services and how reducing that will help balance the overall budget;

4. Reductions to the funding of library services will not impair the municipality's ability to meet Minimum Standard for Rhode Island Public Libraries or to make a case for waivers from those standards it cannot meet, including plans to return to compliance;
5. The municipality is committed to restoring library services enumerated in statement B above curtailed by the reduction of funding.

#### APPEAL PROCEDURE

If the request for the waiver is denied, the municipality may appeal the decision by filing a written notice of appeal within ten days of the decision. A letter of appeal must be sent to the Chair, Library Board of Rhode Island with a copy to the Chief of Library Services. The appeal will be heard by the Library Board of Rhode Island at its regular meeting or within six weeks, whichever comes first. Written response to the appeal will be sent to the municipality and its libraries within ten days of the appeal hearing.

Approved by the Library Board of RI September 20, 2010